

Application Serial No. 10/655,985

Attorney Docket: 46107-0091

Reply To Office Action Dated December 15, 2004

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings include changes to Figures 5 and 8 and replace the original sheets. In Figure 5, previously unlabeled element 87 has been labeled. In Figure 8, element 146 has been deleted.

REMARKS

The present response is in response to the Office Action mailed December 15, 2004, in which the Examiner:

- (i) objects to the specification because of the informality that "threshold 140" should read "threshold 135",
- (ii) objects to the drawings because they (a) fail to show "integrated energy 87" as described in the specification, and (b) fail to comply with 37 CFR 1.84(p)(5) because they include reference characters not mentioned in the description,
- (iii) provisionally rejects claim 10 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, 13 and 14 of copending Application No. 10/458,716 of Daniels et al. (US 2004/0083794) ("Daniels"),
- (iv) rejects claims 1, 2, 4, 7, 10, 15, 16 and 19 under 35 U.S.C. § 102(e) as being anticipated by Daniels,
- (v) objects to claims 3, 5, 6, 8, 9, 11, 12, 17, 18 and 20 as being dependent upon a rejected base claim, but indicates that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and
- (vi) indicates that claims 13 and 14 are allowed.

Applicants have thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. Paragraph [0047] in the specification has been amended as specified by Examiner, and Applicants respectfully request that the Examiner withdraw his objection thereto. Also, Applicants have amended Figures 5 and 8 in response to

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the Examiner's objection to the drawings, and accordingly respectfully request that Examiner withdraw his objection thereto. Further, Applicants thank the Examiner for allowing claims 13 and 14. Finally, the following remarks are believed to be fully responsive to the Office Action and are believed to render all claims at issue patentably distinguishable over the cited references.

Rejections for Non-Statutory Double Patenting

The Examiner has provisionally rejected claim 10 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, 13 and 14 of copending Daniels reference. Applicants disagree with Examiner that claim 10 of the instant application is not patentably distinct from claims 1, 3, 13 and 14 of the Daniels reference. In fact, Applicant respectfully submit that the disclosure of Daniels does not anticipate claim 10, as more fully discussed below. Furthermore, because this is a provisional rejection as claims 1, 3, 13 and 14 of Daniel have not yet been patented, Applicants reserve the right to take appropriate action, including but not limited to the filing of a terminal disclaimer, at a later date.

Rejections under 35 U.S.C. § 102

Examiner has rejected claims 1, 2, 4, 7, 10, 15, 16 and 19 under 35 U.S.C. § 102(e) as being anticipated by Daniels. Applicants respectfully traverse such rejections, for the reasons set forth below.

With respect to claims 1 and 10, and all claims dependent therefrom, Applicants respectfully disagree that Daniels discloses "a method of detecting an open secondary winding" as asserted by Examiner. The Daniels reference is silent with respect to the possibility of an open

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secondary winding. Furthermore, with respect to claim 1, Daniels does not disclose, discuss or suggest the step of "setting an open secondary flag if said integrated ionization voltage is below said threshold" in order to detect an open secondary winding. Therefore, Applicants respectfully submit that Daniels does not anticipate claims 1 and 10, and all claims dependent therefrom.

With respect to claim 15 and all claims dependent therefrom, Applicants respectfully disagree that Daniels discloses "an open secondary winding detection apparatus" as asserted by Examiner. As discussed above, the Daniels reference is silent with respect to the possibility of an open secondary winding, and therefore cannot disclose an apparatus to detect an open secondary winding.

To summarize, Applicants respectfully submit that claims 1, 10 and 15 are allowable because Daniels discloses neither "a method of detecting an open secondary winding" as provided for by independent claims 1 and 10 nor "an open secondary winding detection apparatus" as provided for by independent claim 15. As such, all of the dependent claims from these claims should also be allowable.

Objection to claims 3, 5, 6, 8, 9, 11, 12, 17, 18 and 20

Applicants note with appreciation the Examiner's indication that claims 3, 5, 6, 8, 9, 11, 12, 17, 18 and 20 would be allowable if rewritten in independent form. Since Applicants submit that the claims on which claims 3, 5, 6, 8, 9, 11, 12, 17, 18 and 20 depend are patentable over the prior art, as discussed above, Applicants have not rewritten claims 3, 5, 6, 8, 9, 11, 12, 17, 18 and 20 in independent form at this time.

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CONCLUSION

In light of the above remarks, it is respectfully submitted that Applicants have responded in a fully satisfactory manner to all matters at issue in this Application, and that this Application is now in condition for allowance. In this regard, Applicants have made every effort to comply with the requirements set forth in the Office Action as well as the statutory requirements. Accordingly, Applicants respectfully requests that the Examiner allow the pending claims and pass the Application to issue. If the Examiner believes that personal communication will expedite prosecution of this application, he is invited to telephone the undersigned at (248) 433-7570.

Applicants believe there are no fees due for this document, however, if any fees are due, the Patent Office is authorized to charge or refund any fee deficiency or excess to Deposit Account No. 04-1061 in the name of Dickinson Wright PLLC.

Prompt and favorable consideration of this response is respectfully requested.

Respectfully submitted,

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